

Orpheum Theatre

TONIGHT

Zamloch

THE GREAT

TWO HOURS OF LAUGHTER.

Change of Program Every Night.

MATCHLESS MIXTURE
OF MERRIMENT
SCIENTIFIC WORK AND
INTENSE MYSTERIES

POPULAR PRICES.
Seats now on sale at THE BERG-
STROM MUSIC CO.

Closing Out at Absolute Cost

I have determined to sell out my entire stock at absolute cost and retire from business.

If you wear collars, cuffs, neckwear, shirts, underclothing, hats or anything represented in my large stock, this is your chance.

The selling out will be done quickly and it will be done absolutely.

Island orders given prompt attention.

I. Livingston.
Young Building.

THE DOUGLAS



BATH, THE PLUMBER.
322 King Street, opposite Young Hotel.
PHONE 61.

THE Aquarium

NOW OPEN!

AT
Kapiolani Park

THE AQUARIUM WILL BE OPEN
on Week days from 10 o'clock a. m. to
5 p. m. and from 7 to 9:30 o'clock p. m.
On Sundays it will open at 1 p. m.
ADMISSION will be FREE on
Tuesdays. On other days a charge
will be made of 10 cents to adults and
5 cents to children under fourteen years
of age.

They Make Hot Nights Cold!

Our first shipment of the famous Ostermoor Patent Elastic Felt Mattresses has met with an eager reception. These mattresses are made in such a way that they make beds feel a great deal cooler than other mattresses. In them one gets in many ways better than hair mattresses and the cost is much less. People who are troubled with insomnia find some relief from restlessness in these goods. Sold only by

J. Hopp & Co.
King and Bethel streets.

Fine Pasture Near the city.
Special attention given to all horses left with us; we also take and return them free of charge.
Club Stables
Fort above Hotel. Phone Main 100.

PARTNERSHIP NOT SHOWN

Never Heard of
in Thirteen
Years.

Wundenberg Telegraphs
Widemann to Put
Low "In."

Judge Matthewman's Reasons
for Granting and Continu-
ing Injunction.

Following is the decision rendered on August 27 by Judge J. A. Matthewman in the Circuit Court of the Third Circuit on the motion of Samuel Parker et al. to vacate the order of injunction and an order for a receiver made against them on the petition of Alfred W. Carter:

PARTNERSHIP.
The respondents move to vacate the order of injunction and the first order as to the receiver. Nothing whatever is said about the order of June 17th. Yet, the last two orders being practically identical, the motion will be considered to apply to both.

EQUITIES THAT EXIST.
Granting that the complaint may be defective, for failure to give a proper description of the lands and herds to be partitioned, the respective interests of the owners, and, in some instances, even the names of the owners, defects, by the way, which may be cured by amendment, even to the extent possibly of the substitution of a new complaint, it nevertheless appears, upon the showing made on this motion, that there are such equities in the case of the complainant as entitle him to the continuance, for the time at least, of the orders already made.

The motion to vacate, with its voluminous accompaniments, has been made to include the motion to dismiss, the demurrer, what might later be an answer, and, finally, the evidence. This court has not for a moment stood committed to the proposition that the merits of the complaint could be tried out upon affidavits, but they have, nevertheless, been given careful attention. In the conflicting statements which they contain, it is far more difficult to reach the truth than would be the case with viva voce testimony and the great assistance afforded to the court by personal presence and cross-examination.

However, among many others, the following facts are deducible:

FACTS LAID DOWN.
That Annie T. K. Parker and Samuel Parker (or Fred Wundenberg) own the Parker Ranch; that the ranch consists of fee simple lands held by the above parties both in severalty and in common, of leased land held by them in common, of herds of cattle, sheep, and horses, also held in common and depastured upon the different lands just mentioned, and of other personal property likewise held in common; that the peaceful relations heretofore existing in the management of the ranch have been terminated; and that Samuel Parker and Fred Wundenberg, under a recently advanced theory of surviving partner, have asserted and threatened to enforce, partly through Eben P. Low, an exclusive control of all the Parker Ranch.

The claim as to being a surviving partner cannot be established by mere recitation, even in affidavits, when so inconsistent with all the other facts involved.

The right of a surviving partner is to immediately wind up the partnership affairs, and the rule is that, if this right is not claimed and exercised within a reasonable time, a court of equity will step in and appoint a receiver. There must, of course, be a partnership, and, furthermore, an unsettled one.

THIRTEEN YEARS ELAPSE.
John P. Parker, 2nd, died November 22nd, 1891, nearly thirteen years ago. When has the "surviving partner" shown any disposition to settle any partnership affairs? Instead of closing up the Parker Ranch, Samuel Parker says: "The business has been conducted and enlarged, profitably, ever since it was started and down to the present time *** but there was no interruption to the business, and I have acted as survivor continuously until now. The affairs of my co-partnership with John P. Parker the second, continued through the lifetime of John P. Parker the third, and with my grandchild, aforesaid, with the acquiescence of the said complainant, until I determined to change the management, have never been settled, closed or liquidated. The business has steadily proceeded and has been lucrative."

Thus it is seen how industriously the "surviving partner" has attempted, during the last thirteen years, to wind up the alleged partnership. The argument is possibly one of survivorship in perpetuity.

PROBATE RECORD CITED.
Furthermore, a certified copy of probate proceedings in the Circuit Court of the First Circuit, "In the Matter of the Will of John P. Parker, late of Waimaea, Hawaii, deceased," shows that Samuel Parker himself and William F. Allen, executors represented to the court, under oath, that they had previously filed "a sworn inventory of all the property and assets of every kind whatsoever, within their knowledge, belonging to the estate of the said deceased," that they had done all things "which faithful and prudent executors ought to do;" and petitioned for allowance of accounts, final distribution, and discharge. The petition was granted, due proof having been made "that the said executors had done all the said things by them alleged to have been done *** No rights of a surviving partner seem to have em-

barrassed the settlement of the estate. It is unnecessary to refer to other facts inconsistent with the survivorship claim.

Hence, no extinct partnership being in process of settlement, and no extinct partnership being claimed, nor probably possible under the law and the facts, there seems to be no legal objection to a partition of the property held in common, particularly the Waikoloa lands and the herds.

TROUBLE AT THE RANCH.

It is clear that, when the injunction was granted, there was a feverish state of unrest at the ranch, with violence not only possible but imminent. Such conditions may have been caused, in the first instance, by a telegram reading as follows: "Widemann from Wundenberg. Eben Low appointed manager Parker Ranch. Be ready with Ross, Sam and others to put him in." The attitude of the respondents, as evinced by their letters, notices, and general conduct, called for an injunction, and one was properly issued.

Then, too, the injunction was issued when there was pending before the court a petition for a temporary receiver. For the purposes of partition, and to do full equity, the appointment of a receiver was warranted. Besides, it appeared that the respondents had petitioned the Honorable George D. Gear, Second Judge of the Circuit Court of the First Circuit, for a counter injunction restraining the complainant from exercising any authority over the Parker Ranch, so that the appointment of a receiver became necessary to prevent the confusion and probable disaster which would have come over the ranch, if left without any management whatever.

The court's disapproval of ex parte proceedings has been frequently expressed in this case, but the orders, nevertheless, will stand.

Therefore, the motion to vacate is denied in toto.

ORDER CONCERNING RECEIVER IS MADE

As previously reported in the Advertiser, Judge Matthewman also rendered a decision the same day denying A. W. Carter's petition for an order enlarging the authority of the receiver. By the text of this decision received by mail, it is seen that the reason given is that the receiver's powers were already as broad as desired.

"However," the Judge adds, "as a matter of unmistakable notice, the following order is made."

Following is the order mentioned:

ORDER CONCERNING RECEIVER.
It is hereby ordered that the receiver already appointed immediately assume complete control of all choses in action of the Parker Ranch; that all persons are again enjoined against interfering with the said receiver, and, more particularly, upon the facts already brought to the attention of this court, Samuel Parker, J. Alfred Magoon, J. Lightfoot, and Fred Wundenberg, all of the district of Honolulu, Island of Oahu, Territory of Hawaii, are severally and collectively enjoined against further prosecuting or abetting a certain action now pending in the Circuit Court of the First Circuit, entitled Samuel Parker vs. The Metropolitan Meat Co., Ltd.

Let the above decision and this order be served upon the parties above named by handing each of them in person, certified copies of the same.

Kinney, McClanahan & Cooper, Robertson & Wilder and Ballou & Marx for plaintiff; Henry E. Highton for defendant.

COULD SCARCELY WALK.—Mr. G. S. Purton, a resident of Kyneton, Victoria, Australia, says: "Some time ago I was attacked with severe pains and stiffness in my legs, which affected me so that I could scarcely walk, when I was recommended to try a bottle of Chamberlain's Pain Balm by our local chemist, Mr. Stredwick. I have used it once a day since, and have experienced wonderful relief. I am indeed grateful for the good it has done me and shall be happy to recommend Chamberlain's Pain Balm to anyone suffering from a similar complaint." For sale by all dealers. Benson, Smith & Co., Ltd., agents for Hawaii.

Jones—"It is just impossible for me to keep a lead pencil. People are always borrowing, you know, and they always forget to return." Brown—"Why, I never have any trouble. See, I've got a whole vest-pocketful of pencils." Jones—"Doesn't that prove just what I said?"—Boston Transcript.



Don't
Shy At
Beer as a beverage because some people misuse it. There is more genuine merit as a tonic, as a blood maker in a good beer than you may have supposed. One trial of good beer will convince you, especially if it's

RAINIER BEER

Doctors prescribe it because it is made right out of the very best materials. You'll like it.

RAINIER BOTTLING WORKS, AGENTS.
Hustace Avenue (Kewalo). Phone White 1331.

LADIES ON THE LINKS

Fair Players Will Com-
pete for Dunn
Trophy.

The Ladies' Tournament for ladies of the Manoa Golf Club will take place on Saturday afternoon on the club links in competition for a cup presented by Allan Dunn.

The only string attached to the trophy lies in the requirement that six participate in the actual contest, and as there are more than this number of ladies playing regularly on the links, while the lady membership at large exceeds twenty, there should be no difficulty in pulling off the match.

The best lady's score registered on the Manoa links is that of Mrs. Allan Dunn with 68 for the nine holes but she cannot, being absent, compete for the cup. Mrs. W. Rawlins has been set at scratch with Mrs. Dunn in former tournaments and Mrs. Dr. High is within five points of them on the handicapping list, having won the Haleiwa cup at that rating beating Mrs. Dunn at scratch by three, corrected score. Players who have not played yet in competition but who are said to be well in front with good form and good scores are Miss Hartwell and Miss Lorna Lauka. The latter player is thought able to set the lady's mark for Manoa links at a low notch having played away from here at college where she developed a good style, whereas, with the exceptions perhaps of Miss Hartwell and Mrs. Rawlins, the other competitors, the other fair players of Honolulu have learned their golf locally within the past three months.

Some other players who may play on Saturday are Mrs. J. D. Dougherty, Mrs. T. C. Sheldon, Mrs. Jesse Woods, Mrs. Dr. Rossiter, Miss Marguerite Fisher, Miss Juanita Beckley and Miss Marion Roth, all of whom may be seen several times a week on the links. The trophy is an elegant one and will be suitably engraved for the winner. The match will be nine holes with handicap the arranging of which is a delicate matter up to the regular committee of the club.

T. C. Sheldon will play Donald Ross for third place on Saturday afternoon, Allan Dunn challenges the loser. Several players are after Allan Dunn's scalp for the honor of fifth place but as none have been posted and Hartwell's departure for the mainland on Monday next moves all the honor list up one, Dunn will go to fourth and the fifth place will be vacant. In all probability a tournament will be made up for this vacancy by all qualifying players, the qualification being an attested score of under 55. As there are several in this class a close game should be forthcoming.

Woods and Sheldon have a fine cup up for the best two rounds, not consecutive, of attested scores for September commencing with today. Aside from the regular pleasures of such a competition this particular one possesses unusual utility in bringing the handicapping of the club up to date as all competing scores will have to be registered, and on the next month's handicapping receive their proper penalty. At present a good many of those who get their nine holes in fifty and under mention the fact to anyone but the handicapping committee.

At Haleiwa on Sunday the first play for the fine Haleiwa Challenge Cup takes place, the cup to be won three times before taken. Many Honolulu players will go down.

EARNEST OF WHAT TO COME.

"Isaacstein says his eldest boy's memory has completely failed."

"Very much grieved about it, isn't he?"

"I should say not! Swears the thing shows he will make a great business man some day!"—New Orleans Times-Democrat.

I'll Bet \$1,000 I can Cure Any Weak Man!

I have perfected a new Belt, better and stronger than I have ever had before—a "half man" into a belt which will transform the weakest, puniest specimen of perfect cyclone of strength and I want every man to use it. I want a test case. Therefore I offer \$1,000 in gold to any weak man who will use this Belt under my direction for four months and then show by examination of any reputable physician that he is not cured, sound and well.

This is especially directed to men who have doctored for years without benefit. I want men with Rheumatism, Pains in the Back, Weak Kidneys, Sciatica, Lumbago, Varicocele, Prostatic Trouble (I cure by a new method), Locomotor Ataxia, Torpid Liver, Indigestion and Dyspepsia. All of these troubles in chronic form I can cure with this new Belt, even after all other treatments have failed. To every weak, debilitated man who wears this new Belt I give my

SUSPENSORY
FOR WEAK MEN WITHOUT CHARGE.

This attachment is made for the purpose of treating all special ailments of men, and assures a cure of all waste of strength, early decay and debility. Its current is invigorating and wonderful in power.

DR. McLAUGHLIN—Dear Sir: I have now been wearing your Belt about a month, and I wish to report that the Belt has benefited me in every way, so that today I feel like a new man. My back does not trouble any more, my nerves are stronger and my sleep is better than it has been in years. I want to thank you for the benefits I have derived from your method of treatment, and with kindest regards, I remain, yours very truly,

ED. HAYSING, Cucamonga, Cal.

If you can call, come and see me, and I will show you my new Belt and prove to you that it is a wonderful device. You can feel the glowing current of life that flows into the weakened nerves. I will show you letters from your own neighbors telling how I cured them. I have over 50,000 testimonials in the past 21 years.

Write, and I will send a book describing my new method, with letters from many grateful men and women. If you write, send this ad. and I will send the book, sealed, free. Cut the ad. out and act today.

DR. M. G. McLAUGHLIN, 906 Market St., San Francisco.

FRENCH LAUNDRY

TOURISTS' WORK PROMPTLY ATTENDED TO
J. ABADIE, Prop.
128 Boretania Street. Phone Blue 3552. Opposite Hawaiian Hotel.

FRED PHILP & BRO.
Harnessmakers and Saddlers.
Trunks and Valises neatly and promptly repaired.
Waverley Block, Bethel Street.

QUALITY. ECONOMY.
SOAP
Honolulu Soap Works Co.
FRED. L. WALDRON,
Spreckels Block. Sales Agent.

MOST POPULAR PUBLICATION IN HONOLULU

THE SUNDAY ADVERTISER

WAR NEWS, CHURCH NEWS, SPORTING NEWS,
GENERAL NEWS AND ALL THE LATEST WORLD'S
NEWS BY CABLE.

MISCELLANEOUS, LITERARY AND HUMOROUS
SELECTIONS, AND A CONTINUATION OF THOMAS
FITCH'S INTERESTING ARTICLES ON HIS FOR-
EIGN TRAVELS. PUNGENT PARAGRAPHS OF THE
BYSTANDER.

INTERESTING READING TO SUIT EVERY
TASTE, AND WITHAL, A CLEAN PUBLICATION
ADMISSABLE TO THE FAMILY CIRCLE.

Published by the
Hawaiian Gazette Co.,
Limited.
65 S. King St., Honolulu, Hawaii.